

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN PENDERGRASS,

Defendant.

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CRIMINAL ACTION NO.  
1:17-cr-0224-AT

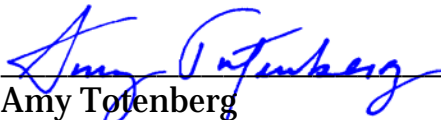
**ORDER**

This matter is before the Court on the Government's second motion to continue the trial [Doc. 61]. The Government seeks this continuance as its counsel would have only one week between concluding his trial before another judge and starting the trial in this case [*Id.* at 2]. Further, "the parties are currently engaged in plea discussions and need additional time to reach an agreement" [*Id.* at 2]. Defense counsel does not object to the Government's request for at least a 30 day continuance of the trial [*Id.* at 2].

The Court hereby **GRANTS** the Government's motion and **CONTINUES** the trial to Monday, September 24, 2018, at 9:30 AM in Courtroom 2308. The pretrial conference is set for September 12, 2018, at 10:30 AM in Courtroom 2308. Defendant Pendergrass is required to attend the pretrial conference or present a written waiver of his attendance. By September 3, 2018, the parties are

to file any motions in limine and proposed voir dire questions. By September 3, 2018, the Government is to file a summary of the indictment for use in voir dire. By 9:00 AM on September 10, 2018, the parties are to file any objections to those items listed above. The time from August 21, 2018, to September 24, 2018, shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv). Failure to grant this continuance deny counsel for the Government the reasonable time necessary to effectively prepare for trial, taking into account the exercise of due diligence, and would likely result in a miscarriage of justice. The Court finds that the ends of justice are served by granting this continuance and are consistent with both the best interest of the public and individual justice in this matter.

It is so **ORDERED** this 15<sup>th</sup> day of August, 2018.

  
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Amy Totenberg  
United States District Judge